

Environmental Advisory Rules Committee Recommendations (3-3-15)

A-1 Air Toxics	R-7a UST Inspection Delegation	RM-9 Mineral Wells
A-2 Mercury	R-7b UST Regulations	W-1 Part 5 Spill Rules
A-3 Permit Exemptions	R-7c Transportation F & CL	W-2 Mercury
A-4 Permit Process Deadlines	R-7d Compressed NG	W-3 Rescind Sewerage Systems Rule
A-5 Dispersion Modeling	R-7e Liquefied NG	W-4 Part 22 Rules Groundwater Discharge
A-6 Compliance Testing	R-7f Storage Handling F & CL	W-5 Minor Projects
A-7 Electrical Generating Units	R-7g Liquefied Petroleum Gas	W-6 Nationwide Permits
A-8 Emissions Monitoring	R-7h Hydrogen Systems	W-7 Sanitary Sewer Overflows
A-9 Visible Emissions	R-8 Background Concentration	W-8 Agriculture Activities
A-10 Rescind Electrostatic Precipitator Rule	R-9 MIOSHA Standards	W-9 Part 22 Rules Groundwater Discharge
A-11 Rule 901 General Nuisance	R-10 Soil Relocation	W-10 Part 5 Spill Rules
A-12 Electronic Permit	R-11 Source Control	W-11 Airport Storm water
A-13 SIP Development	R-12 Part 201 and 213	W-12 Wetland Mitigation Banks
A-14 Permit Exemptions	R-13 SBA Loans	W-13 Annual Wastewater
A-15 VOCs Pharmaceuticals	R-14 Boron Standard	W-14 Local Control Wetlands
A-16 Cold Cleaners	R-15 Quality Review Team	W-15 SESC Local Inspectors
A-17 Gasoline Dispensing	R-16 Secondary Health	W-16 NPDES Construction
A-18 Rescind Rule 349 – Coke Oven	R-17 Part 201 Cross References	W-17 Cross Connections
A-19 MAERS reporting	RM-1 Liquid Industrial Waste	W-18 Water Treatment
A-20 18-Month Construction	RM-2 Beneficial Reuse	W-19 Mercury Groundwater
R-1 Groundwater/Surface Water	RM-3 Hazardous Waste Regs	W-20 FERC Dam Drawdowns
R-2 Vapor Intrusion	RM-4 PCB Regulations	G-1 More stringent Federal
R-3 Cleanup Criteria Part 201	RM-5 Biennial Reporting	G-2 Non-Rule Actions
R-4 Rescind Part 201 Rules	RM-6 Financial Assurance Land	G-3 12-month rule making
R-5 Site Specific Criteria	RM-7 HW User Charge Manifest	G-4 Citation of Legal Authority
R-6 Solubility and Free Phase	RM-8 Medical Waste	

KEY: Green- completed, Yellow-in process, Red-on hold, and Blue – not doing

SUMMARY OF THE 23 DEQ OPEN ENVIRONMENTAL ARC RECOMMENDATIONS (3/3/15)

RULEMAKING

A-1	Air Toxics	The Air Quality Division (AQD) will be submitting a draft rules package in late March 2015 that will encompass changes to the Part 2 rules: permit to install exemptions, air toxics and Title V. See ORR Rule Set 2014-154 EQ.
A-3	Permit Exemptions	
A-14		
A-7	Electronic Generating Units and the Emission of Nitrogen Oxide (NOx)	Although the Supreme Court upheld the Cross-State Air Pollution Rule, the AQD cannot proceed without getting direction from the United States Environmental Protection Agency (USEPA), and the Court of Appeals must rule on some outstanding legal arguments.
A-15	Pharmaceuticals	The Air Advisory Council is discussing the nexus between federal Maximum Achievable Control Technology (MACT) and Rule 625.
A-17	Gasoline Dispensing	Awaiting action by the USEPA on ozone reductions required by decreasing the ozone standard.
R-3	Cleanup Criteria	Update to the criteria for all hazardous substances will be conducted in 2015, pursuant to the Director's response to stakeholders' recommendations.
R-2	Vapor Intrusion	
R-14	Boron Standard	
R-7b	Storage Tanks	The Department of Licensing and Regulatory Affairs (LARA), Bureau of Fire Services, is waiting for the USEPA to finalize rules before starting R-7b and finalization of a National Fire Protection Association standard before starting R-7h.
R-7h		
W-1	Part 5, Spillage of Oil and Polluting Materials	Close to final agreement with stakeholders on changes to the rules. DEQ does not have rulemaking authority under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451 (NREPA).
W-4	Part 22, Groundwater Quality	The DEQ does not have rulemaking authority under Part 31, Water Resources Protection, of NREPA
W-9		
W-12	Wetland Mitigation Banking	Waiting for the USEPA's review of 2013 PA 98 and the DEQ Wetlands Program's consistency with the federal program before starting rulemaking.

LEGISLATION

RM-1	Liquid Industrial	Stakeholder group issued 19 recommendations for amending Part 121, Liquid Industrial Waste, of NREPA. A legislative priority for 2015.
RM-8	Storage of sharps used for nonmedical purposes	Need legislation to amend Part 138, Medical Waste Regulatory Act, of Public Health Code, PA 368 of 1978. Rules to implement the legislation will follow.
W-17	Testing of backflow preventers on home irrigation systems	Representative McCready is reintroducing a bill.

POLICY/PROCESS

A-5	Dispersion Modeling	Air Advisory Council finalizing policy document by March 2015.
RM-9	Conformance Bond for Mineral Well Operators	MOU between USEPA and DEQ close to being finalized.
R-8	Definition of Background Concentrations	Data considered representative of background concentrations undergoing statistical analysis.
G-2	Non-Rule Regulations	Progress being made on updating DEQ Internet with updated policies, forms, and publications.

(shading = on hold)